

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1544.00
COMPLAINT INVESTIGATOR: Jane Taylor Holmes
DATE OF COMPLAINT: March 10, 2000
DATE OF REPORT: March 31, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 17, 2000

COMPLAINT ISSUE:

Whether the Gary Community School Corporation violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP), specifically, failing to ensure the student's one-on-one instructional assistant was with the student as identified in the IEP.

FINDINGS OF FACT:

1. The Student is seven years old and is eligible for special education and related services as a student with autism at the local elementary school (the "School").
2. The Student's IEP dated June 6, 1999, states that the Student "needs constant supervision during school, also when in the bus to and from school..."
3. The case conference committee met on February 7, 2000 at 8:30 a.m. for the Student's annual case review. The revised IEP states, "personal supervision for safety and participation in activities."
4. During the afternoon of February 7, 2000, the complainant (the "Complainant") called the bus company responsible for transporting the Student because the bus was late. She was informed by the bus company that the Student could not be found when it was time to board the bus. The Complainant then called the School and talked to the principal (the "Principal"). The Principal allegedly told the Complainant that School personnel were having a problem finding the Student.
5. The program supervisor reported that the Student has had a personal paraprofessional since the beginning of the 1999-2000 instructional year. On the day that the Student was missing, his paraprofessional was absent. As a result of this incident, the program supervisor reported that the Principal has given specific directions that another adult will be assigned to the Student in the event of future absences by the personal paraprofessional.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the Student's IEP was not implemented as written. A violation of 511 IAC 7-12-1 occurred.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community School Corporation shall:

1. submit a plan of action indicating which adult(s), by name and title, will be utilized to provide the personal supervision to the Student when the current personal paraprofessional is absent. The plan of action shall also include an assurance statement indicating that the adult(s) assigned to provide personal supervision to the Student have been trained in the area of autism. The plan of action, the name(s) and title(s) of the adult(s) assigned to provide personal supervision to the Student, and documentation indicating when the training in autism occurred and the content of the training shall be submitted to the Division no later than May 9, 2000.